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Thomas W. Smith

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NAVAL SURFACE WARFARE CENTER
OFFICE OF COUNSEL CODE C7
17632 DAHLGREN ROAD
SUITE 158
DAHLGREN, VA 22448-5110

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS W. SMITH

Appeal 2009-013774
Application 10/658,896
Technology Center 2400

Before CARLA M. KRIVAK, THOMAS S. HAHN, and
ELENI MANTIS MERCADER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

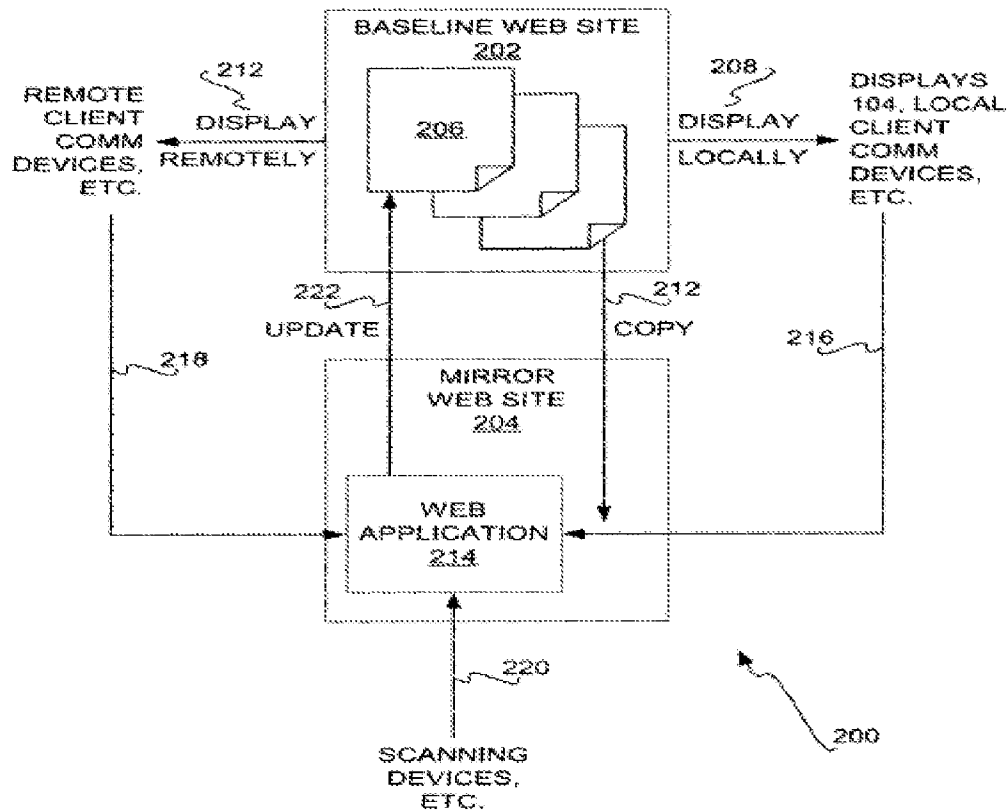
Appellant appeals under 35 U.S.C. § 134(a) from the final rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellant's Figure 2 is depicted below:

FIG 2



Appellant's Figure 2 and claimed invention are directed to a baseline web site 202 which is primarily and ordinarily read-only, and a mirror copy of the baseline web site 202, residing on the mirror web site 204. Personnel can use a web application 214 to make changes to the mirror web site in a

cut-and-paste manner. Once an administrator has approved a particular modification to the mirror web site 204, the baseline web site 202 can be updated to include this information, as indicated by the arrow 222. Thus, the baseline web site 202 is periodically updated from the mirror web site 204. *See Spec. 8-9.*

Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A system comprising:

a baseline web site that is primarily and ordinarily read-only, having a plurality of web pages being remotely accessible by authorized users through a network via client communication devices communicatively coupled to the network, the web pages having displayable information;

a mirror web site that includes initially a mirror copy of the baseline web site and that is remotely accessible for user-made changes to mirror information on the mirror copy in a cut-and-paste manner by the authorized users through the network via the client communication devices communicatively coupled to the network; and

a web application running on the mirror web site to accept the user-made changes to the mirror information on the mirror copy of the baseline web site, one or more administrators being able to authorize the user-made changes such that the baseline web site is periodically updated from the mirror web site.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

| | | |
|---------|--------------------|---------------|
| Shuping | US 6,313,855 B1 | Nov. 6, 2001 |
| Peck | US 2002/0188636 A1 | Dec. 12, 2002 |
| Gordon | US 2004/0064352 A1 | Apr. 1, 2004 |
| Edelman | US 7,240,077 B1 | Jul. 3, 2007 |

The following rejections are before us for review:

Claims 1-3, 5-7, 9-12, 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman in view of Peck.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman in view of Gordon.

Claims 8, 13, 14, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman in view of Peck and further in view of Shuping.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman in view of Peck, Shuping, and Gordon.

ISSUE

The pivotal issue is whether the Examiner erred in finding that the combination of Edelman and Peck teaches or suggests a “mirror” web site to accept cut-and-paste user-made changes to the mirror copy of the baseline web site and periodic updating by administrators of the baseline web site with the updated information from the mirror web site, as recited in representative claim 1.

PRINCIPLES OF LAW

A rationale for combining or modifying reference teachings can be based on common knowledge or common sense rather than coming from the references themselves. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

The test for obviousness is what the combined teachings of the references would have suggested to an ordinarily skilled artisan. Accordingly, one cannot show nonobviousness by attacking references

individually where the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

ANALYSIS

I. Analysis with respect to the rejection of claims 1-3, 5-7, 9-12, 17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Edelman in view of Peck.

Appellant argues that, as recited in representative claim 1, Edelman and Peck do not teach or suggest a “mirror” web site to accept cut-and-paste user-made changes to the mirror copy of the baseline web site and periodic updating by administrators of the baseline web site with the updated information from the mirror web site (App. Br. 11).

We reviewed the record in light of Appellant’s arguments, but we do not agree with Appellant. We agree with the Examiner’s findings of fact as enumerated in the Answer (Ans. 12) which we adopt as our own. The Examiner found, and we agree, that Edelman discloses a mirror web site in the form of an editable web site that is a mirror copy of a “live” web site that can be edited using functions such as editing the layout and inline messages (*see* Fig. 5 and col. 5, ll. 17-40). The “live” web site is considered the baseline web site because users can edit its mirrored copy (*see* Fig. 5) and update the “live” web site according to a specific schedule. The web application is considered the tools (e.g., image manager tool, browser builder tool, site merchandiser tool) that can run on the mirror web site so users can edit its contents (col. 5, ll. 28-40). Administrators can authorize the changes made to the web site by previewing the edited contents that are scheduled to update the “live” (baseline) web site and approve them (*see* col.

3, ll. 51-59; col. 6, ll. 14-18). The “live” (baseline) web site is then updated periodically according to the schedule.

Appellant’s argument (App. Br. 10-11) that Peck modifies a web-based document, *rather than a mirror copy of a baseline web site*, is of no moment. Peck was solely used to disclose the cut-and-paste feature of the claimed invention (Ans. 4, 12). *See Keller*, 642 F.2d at 426. Peck teaches that a cut-and-paste operation could be performed to add content from a document to an area of a web-based document (Abstract; ¶ [0045]).

We also do not agree with Appellant’s argument (App. Br. 11) that Peg employs tags to modify text, rather than a cut-and-paste operation, because Peck explicitly teaches that a “user 10 *pastes text cut* from another document” to edit a Web-based document (WBD) (¶ [0045] (emphasis added)).

Thus, we agree with the Examiner’s reasoning that it would have been obvious to one of ordinary skill in the art to use a cut-and-paste operation as taught by Peck to update the mirror copy as taught by Edelman to quickly transfer information to the mirror copy to get it ready for deployment to the live web site. *See KSR*, 550 U.S. at 418.

We also note that Edelman’s teaching of using tools to modify a web page does not negate the employment of a duplicate mirror copy (App. Br. 12) that thereby somehow constitutes a teaching away. Rather, Edelman’s tools are much like Appellant’s web application 214, which makes changes but does not negate the employment of a mirror copy 204 (*see* Appellant’s Fig. 2).

Accordingly, we will affirm the Examiner's rejection of representative claim 1, and of claims 2, 3, 5-7, 9-12, 17, 19, and 20, which fall with claim 1.

II. Analysis with respect to the rejections of claims 4, 8, 13-16, and 18 under 35 U.S.C. § 103(a).

We will also affirm the rejections of claims 4, 8, 13-16, and 18. Contrary to Appellant's arguments (App. Br. 12), we agree with the Examiner's articulated rationales supporting the legal conclusion of obviousness (Ans. 12-14). We adopt as our own the enumerated rationales, which are based on common sense, without having to repeat them herein. *See KSR*, 550 U.S. at 418. Accordingly, we will also affirm the Examiner's rejections of claims 4, 8, 13-16, and 18.

CONCLUSION

The Examiner did not err in finding that the combination of Edelman and Peck teaches or suggests a "mirror" web site to accept cut-and-paste user-made changes to the mirror copy of the baseline web site and periodic updating by administrators of the baseline web site with the updated information from the mirror web site, as recited in representative claim 1.

ORDER

The decision of the Examiner to reject claims 1-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

Appeal 2009-013774
Application 10/658,896

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